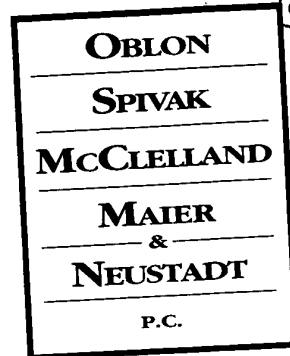


OTOG Rec'd PCT/PTO 04 NOV 2002



Docket: 215530US-2 PCT

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

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Re: Group Art Unit: Unknown
Serial No.: 09/926,751
Filed: December 12, 2001
Applicant: HOREA BACILA, ET AL.
For: APPARATUS AND A METHOD FOR
SUPPLYING INFORMATION

Attached hereto for filing are the following papers:

**REQUEST FOR RECONSIDERATION AND
RENEWED PETITION UNDER 37 CFR §1.47(a)**

Our check in the amount of \$ - 0 - is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND
MAIER & NEUSTADT, P.C.

Gregory J. Maier
Registration No. 25,599
Attorney of Record
Raymond F. Cardillo, Jr.
Registration No. 40,440



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION. OF:

HOREA BACILA, ET AL.

SERIAL NO.: 09/926,751

FILED: DECEMBER 12, 2001

FOR: APPARATUS AND A METHOD
FOR SUPPLYING INFORMATION

: GROUP UNIT: UNKNOWN

: EXAMINER: UNKNOWN

**REQUEST FOR RECONSIDERATION AND
RENEWED PETITION UNDER 37 CFR §1.47(a)**

COMMISSIONER FOR PATENTS
Office of PCT Legal Administration
Box PCT
Washington, D.C. 20231

SIR:

Applicants hereby request reconsideration of the Petition under 37 CFR §1.47(a) filed April 1, 2002 (hereinafter, original Petition), to accept the Declaration and Power of Attorney for Patent Application 09/926,751 and consider the new application filed by the signing inventors (i.e, Mr. Horea Bacila and Mr. Catalin Suciu) as having been filed on behalf of themselves and their joint inventors (i.e., Mr. Ovidiu Ban, Mr. Mirela Boboc, and Mr. Mihai Spatar) who "cannot be found or reached after diligent effort" to preserve the rights of the Assignee, Worldlink Information Technology Systems Limited formerly Olympic Worldlink Ltd.

On September 4, 2002, a Decision on Petition (hereinafter, Decision) was mailed with regard to the above-identified original Petition. That Decision was clearly erroneous in several respects and Petitioners request reconsideration and clarification thereof for the following reasons.

1. The Decision first errs in apparently confusing the alternatives listed from 37 CFR §1.47(a) as to a joint inventor refusing to execute the application presented to him for execution with the different circumstances of a missing inventor who cannot be reached after diligent effort. In this regard, Page 2 of the Decision indicates that it is somehow relevant to its dismissal of the original Petition that sought relief because three joint inventors could not be found/reached after a diligent effort that no “proof to collaborate that a complete application (specification, including claims, drawings, and oath or declaration) was sent to them at their last known address” was submitted with the original Petition. In this regard, no such requirement appears in either 37 CFR §1.47(a) or the cited MPEP §409.03(d) portion dealing with an inventor who cannot be reached. While the portion of MPEP §409.03(d) dealing with the other alternative, “REFUSAL TO JOIN,” mentions that a copy of the above-noted complete application should be sent to any non-signing inventor at their last known address, the issue here is whether the efforts to reach/locate the missing inventors were reasonable, not whether any of the inventors were actually presented a complete application which he then refused to sign. Accordingly, an appropriate citation of authority that demonstrates the requirement is not an arbitrary one is respectfully requested.

2. Besides the Decision clearly erring in requiring proof that the inventors who cannot be reached were sent the above-noted complete application at their last known address, the further arbitrary requirement that Petitioners must supply proof of “collaboration” by some unidentified entity in sending the above-noted complete application to the last known address of the missing inventors is respectfully submitted to be a further clear error.

3. The Decision further erroneously states that the declaration included with the original Petition “only states that registered letters were sent once to each of the three individual inventors at their last known addresses, respectively.” The declaration included with the original

Petition states that a first registered letter was sent to Mr. Mirela Boboc's last known address on August 8, 2000, followed by a second registered letter on August 10, 2000, to that same last known address. Thus, the statement in the Decision that the record "only shows one attempt" is erroneous as to Mr. Mirela Boboc.

4. Besides erroneously ignoring that there were two attempts to reach Mirela Boboc by registered mail at his last known address, the Decision appears to take examples of alternative possible evidence in the cited MPEP §409.03(d) portion dealing with an inventor who cannot be reached and to create requirements from these mere examples. Thus, while examples that include internet searches or certified mail return receipts are mentioned, what authority requires both? In the interim, as Petitioners desire to make every effort to reach the missing inventors, Petitioners have resent registered letters to the last known addresses of the missing inventors and are having telephone directory and internet searches conducted and will report the results of these efforts as soon as they are completed in order to demonstrate Petitioners diligence in a manner that should satisfy even the arbitrary requirements being imposed by the Decision.

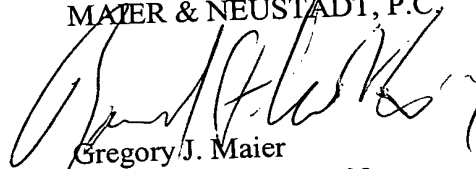
5. While MPEP §1002.02(p)(10) indicates that "the PCT Legal Administrator" is to decide Petitions under 37 CFR §1.47(a) in a national stage application, no mention is made here of any delegation of this delegated authority to the two Legal Examiners who signed the Decision that dismisses the original Petition. The legal authority for this apparent further delegation of authority granted to "the PCT Legal Administrator" to decide Petitions under 37 CFR §1.47(a) in a national stage application to "Legal Examiners" is respectfully requested.

Accordingly, Applicants again request that the already filed Declaration and Power of Attorney signed by the first-named inventor, Mr. Horea Bacila and by Mr. Catalin Suciuc be accepted on behalf of themselves and the unavailable inventors Mr. Ovidiu Ban, Mr. Mirela Boboc and Mr. Mihai Spatar, who cannot be found after diligent effort by the Assignee as

outlined in the original Petition be accepted and that the Decision dismissing the original Petition be withdrawn because the above-noted errors in the Decision.

Respectfully submitted,

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